IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.78829-M of 2006

DATE OF DECISION:05.03.2007

Gurcharanjit Singh .....Petitioner

Versus

State of Punjab .....Respondent

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri Amandeep S. Manaise, Advocate
for Shri A.S. Kalra, Advocate
for the petitioner.

Shri N.S. Gill, AAG, Punjab.

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Petitioner Gurcharanjit Singh apprehending his arrest in a non-bailable offence in case FIR No. 109 dated 22.10.2006 under Sections 323/324/325/326/34 IPC registered at Police Station Kalanaur, District Gurdaspur, has filed this petition under Section 438 Cr.P.C. for anticipatory bail.

I have heard counsel for the parties and gone through the contents of the FIR.

Counsel for the petitioner contends that in a case of version and cross-version, the mother of the petitioner, Manjit Kaur and his Bua Kulwant Kaur, received injuries. In the said occurrence, the complainant party also received injuries, which, according to the petitioner, are simple in nature. Counsel further contends that the petitioner is a minor as his date of birth is 3.2.1990. As per the complainant's version, the injury attributed to the petitioner is on the non-vital part of complainant, i.e., on the right little finger. The said injury was declared grievous after seven days. Counsel also contends that the alleged occurrence took place on 17.10.2006 at 5.00 p.m. and complainant Budh Singh was admitted in the hospital on

18.10.2006 at 10.45 a.m., i.e., after a delay of 18 hours. Counsel further contends that initially the case was registered under Sections 323/324 /34 IPC and after seven days, the offence under Section 326 IPC has been added. Counsel contends that the petitioner has been falsely implicated on the complaint made by Budh Singh, who is the maternal uncle of the petitioner.

Counsel for the petitioner further contends that in view of the order dated 18.12.2006, the petitioner has joined the investigation. Counsel for the respondent-State on instructions from ASI Vishvanath states that the petitioner has joined the investigation and since the challan has also been presented in this case, therefore, he is no more required for further interrogation.

In view of the above, the interim bail, granted vide order dated 18.12.2006 is made absolute subject to the same terms and conditions.

Disposed of accordingly.

March 05, 2007 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**